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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**REVIEW PETITION NO. 4 OF 2025
IN
FIRST APPEAL NO. 1817 OF 2025**

Mrs. Pushpa Mahadev Jadhav & Ors.

... Petitioners

Versus

Milind Barma Dhage & Ors.

...Respondents

Adv. Nitesh Acharya a/w. Adv. Rohan Manoj Surve for the Petitioners
None for the Respondents.

CORAM : M. M. SATHAYE, J.

DATED : 3rd OCTOBER 2025

P.C.:

1. Heard learned Counsel for the Review Petitioners. The matter arises from obstructionist proceedings. Review Petitioners are obstructionists.
2. The first submission is that since there is enough material to show that the Review Petitioners are in possession of the suit property and even a trespasser is covered under Section 22 of the Maharashtra Slum Areas (Improvements, Clearance and Redevelopment) Act, 1971 (for short 'the said Act'), eviction can take place only after written permission of Competent Authority, which aspect requires consideration.
3. Perusal of paragraph 8 of the order under review indicates that this Court has considered Annexure-II prepared during the implementation of the said Act and it is already found that, against the entry of the Appellants name it is stated that there is dispute pending in the Court. The judgment of the Trial Court also indicates that in paragraph 10, the argument about application of section 22 of the said Act has been considered. It is therefore clear that under

the garb of Review Petition, the Appeal is sought to be re-argued, which is not permitted under the limited review jurisdiction. Therefore, the said argument is rejected.

4. The next submission is that the Respondent/Decree Holder has another premises in his possession in the same slum scheme and therefore the possession of the suit property cannot be given to the Plaintiff on that ground. This argument falls within the factual dispute involved in the matter and there is nothing to indicate that despite due diligence, the same could not be argued before the Trial Court or First Appellate Court. Therefore this argument also does not warrant review of the order in view of requirement Order 47 of the Civil Procedure Code, 1908.

5. For the aforesaid reasons, there is no question of considering fresh case-law sought to be relied upon by the learned counsel for the Review Petitioners.

6. In that view of the matter, the Review Petition is dismissed.

7. It is seen that when the order under review was passed, operation of the order was stayed for a period of four weeks from 18/08/2025. Therefore, at the request of learned counsel for the Review Petitioners, the operation of this order passed today, is stayed for a period of four weeks from today.

8. It is however clarified that present situation of the suit property - whether possession is already received by the Decree Holder or not, is not brought to the notice of the Court.

(M. M. SATHAYE, J.)